

DRAWINGS

Please amend Fig. 6 to add numeral 114 as described in paragraph [0020] of the published application. An Annotated Version is included showing the proposed change in red ink and a Replacement sheet is also included.

REMARKS

Applicants note that the drawings have been objected to because it is contended that the feature claimed in claims 1 and 10 is not shown in the Figures. Applicants cannot agree. It appears that the Examiner may be misreading the claims. Claim 1 requires, in relevant part, a "reaction system is configured to disengage the motor driving the cutting tool upon detection of at least one of one or more conditions by the detection system". Claim 10 requires "the arbor is out of driving engagement with the motor when the cutting tool is retracted". The Examiner seems to be reading claim 1 as requiring that the motor must be disengaged from the cutting tool and reading claim 10 as requiring the arbor to be disengaged from the motor. Instead, claim 1 requires that the motor is disengaged from **driving** the cutting tool and claim 10 requires that the arbor is out of **driving engagement** with the motor. In each instance, the claims simply require that the cutting tool (claim 1) or the arbor (claim 10) not be driven by the motor upon the certain conditions. This feature is clearly shown in Fig. 6.

For the Examiner's convenience a colored Fig. 6 is enclosed. In the colored figure, the red shows one embodiment of a drive 144 in the form of a belt that is out of driving engagement with the arbor 152. This is what is claimed in claims 1 and 10 and therefore, withdrawal of the objection is requested.

The specification was objected to for several reasons. As an initial matter, the first paragraph of item 6 states, in part, "how the end cutting edges of the two axially cutting knives are directed toward one another". Applicants do not understand what the Examiner refers to and thus asks the Examiner to specifically identify the location of the text to which the Examiner objects.

With respect to the objection concerning how the motor is out of driving engagement with the cutting tool, the Applicants direct the Examiner's attention to the above explanation of Fig. 6.

With respect to the objections to the specification, it seems as if the Examiner requires the first introduction of an element to use the article "a" and thereafter, all other instances use the article "the". Applicants cannot find any such requirement in the rules and do not agree that such are informalities that require correction. Because the Applicants believe that there is no change in the scope of the claims by the use in the specification of the article "a" for the article "the" and vice versa, Applicants have made the suggested changes.

The claims were rejected under 35 U.S.C. § 112. Applicants respectfully disagree for the reasons explained above in connection with the objection to the drawings and specification. Applicants therefore request that the rejection be withdrawn.

The claims were also rejected as being obvious in view of Gass and Ambrosio. (Applicants believe that the reference to Pierre is a mistake since there is no indication what Pierre refers to). Applicants respectfully traverse.

As an initial matter, there is no motivation provided in either Gass or Ambrosio to modify Gass to achieve the claimed device. While the Examiner states that it would have been obvious to modify Gass "in order to reduce the mass of the cutting tool and facilitated [sic] vertical movement of the cutting tool", such a statement appears to be taken from Applicants' specification (see paragraphs [0019] and [0029]). Use of Applicants' teaching is impermissible. Because the Examiner has not provided any

indication where the purported motivation is derived and because it appears it is derived from Applicants specification, the rejection should be withdrawn.

If the Examiner contends that the motivation to combine is derived from either the cited references or elsewhere in the art, Applicants request that the Examiner identify the basis for such motivation. Absent any basis for such motivation, the proposed combination is not tenable and the rejection should be withdrawn.

Moreover, one skilled in the art upon viewing Ambrosio would not be motivated to include the structure taught by Ambrosio in the device taught by Gass. Gass teaches pneumatic systems that, upon certain situations, release to withdraw a cutting tool from the cutting region. Indeed, Gass teaches that once activated in response to a dangerous condition, the reaction subsystem is configured to engage operative structure **quickly** to prevent serious injury to the user (see [0027], emphasis added). In contrast, the device of Ambrosio requires the user to engage knob 44 rotate it so that the blade moves vertically. Such action is the antithesis of the quick action required by Gass. Thus, Ambrosio teaches away from the proposed combination.

Even if the proposed combination was tenable, which Applicants strenuously disagree, the proposed combination would not further the objectives of Gass. In fact, if a dangerous condition was detected and the user needed to grasp a handle and rotate it before the cutting tool retracted, Applicants submit that the user would already have been injured. In addition, the proposed combination would require the user to lower the blade as taught by Ambrosio, while the claim requires the reaction system to effect such action. Thus, the proposed combination does not teach or suggest the presently claimed device.


Applicants also note that the Examiner contends that “if the cutting tool 10 [of Ambrosio] is lowered a certain distance away from the cutting region, the motor will be disengaged from the cutting tool, since the tension of belt 35 significantly will be reduced”. Applicants have carefully reviewed the disclosure of Ambrosio and do not find any suggestion or teaching of such. Moreover, Ambrosio does not teach or suggest that the cutting tool can even be lowered to such an extent or that the cutting tool is arranged relative to the motor such that when the cutting tool is lowered to such an extent that it will be disengaged from the motor. In fact, Ambrosio teaches away from such a concept. Ambrosio states that “[m]otor means 11 is **integrally** supported with blade 10 by frame means. Frame means 14 is **rigidly attached** to guide means 15 ...” (col. 2, lines 3-10) (emphasis added). Since both the motor and the blade are integrally supported by the frame means which in turn is rigidly attached to guide means, Applicants strenuously disagree with the Examiner’s reading of Ambrosio that the motor will be disengaged from the cutting tool. To the contrary, the motor and the blade are in a fixed position with respect to each other and thus, the tension of the belt remains the same at all locations of the blade.

Indeed, Ambrosio points out that the frame means includes an L frame comprising upper member 26 and lower member 28 integrally connected (col. 2, lines 29-31). The upper and lower pulleys 29 and 30, respectively, are rotatably supported in a common plane by shafts 31 and 32. The motor is secured to member 28 for effecting rotation of the lower pulley 30. The upper end of member 26 contains shaft 31 suitably journaled for rotation and carrying the saw blade. Because the motor and the saw blade are provided on the ends of the L-shaped member, there respective locations with

respect to each other remains constant and thus, the motor is always in driving engagement with the saw blade. Therefore, even if it was proper to combine Gass and Ambrosio, which Applicants' contend is not proper, the proposed combination still does not teach all the limitations required by the claims. Applicants respectfully request withdrawal of the rejection.

It is believed that all the claims are allowable and Applicants request notification to that effect. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,



G. Peter Nichols
Registration No. 34,401
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

